

REMARKS

A. The Section 112 Rejections

Claims 19 and 32 were rejected under 35 U.S.C. §112, first paragraph, the Examiner taking the position that the phrase “that are not grouped” is a negative limitation that does not have basis in the original disclosure. The Applicants disagree and traverse these rejections for at least the following reasons.

Notwithstanding the Applicants disagreement and without waiving the Applicants previous positions, in order to expedite prosecution the phrase “that has not been grouped” has been removed from the claims. Accordingly, the rejections appear to be moot.

Accordingly, Applicants request withdrawal of the rejections and allowance of claims 19 and 32.

B. The Section 103 Rejections

Claims 3-5, 19 and 30-35 and 37 were rejected under 35 U.S.C. §103(a) based on the combination of U.S. Patent No. 6,204,844 to Fumarolo et al (“Fumarolo”), U.S. Patent No. 6,246,376 to Bork et al (“Bork”) and U.S. Patent No. 5,906,293 to Tognazzini (“Tognazzini”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Applicants note that claims 3-5, 35 and 37 have been cancelled.

Of the rejected claims, claims 19 and 32 are independent claims. It is to these claims that the Applicants now turn, it being understood that the remarks which follow apply to the remaining dependent claims.

Each of the claims of the present invention includes the features of (i) transmitting a Bluetooth signal from a first type of hand-held electronic device to a plurality of disparate types of nearby, hand-held electronic devices, (ii) displaying hand-held electronic devices, from among the plurality of types of

disparate nearby, hand-held electronic devices, within a determined range of the first type of hand-held electronic device on a display of the first type of hand-held electronic device, and (iii) selecting one of the nearby nearby, hand-held electronic devices associated with a detected signal to communicate with based on received GPS coordinates.

Applicants note that Tognazzini no longer appears to be relevant, having been originally cited by the Examiner with respect to a feature that is no longer part of the claims.

Applicants note that Fumarolo does not appear to disclose the feature of transmitting a Bluetooth signal from a first type of hand-held electronic device to a plurality of disparate types of nearby, hand-held electronic devices. Instead, the transmissions in Fumarolo appear to be transmitted from a "display based terminal 101".

In addition, the Applicants note that, fairly interpreted, Bork acknowledges that GPS data alone may be inaccurate in determining the distance between two devices. To overcome these inaccuracies Bork computes additional angular distances using an "electronic compass". Thus, Bork relies on more than GPS data.

Further, while Bork appears to indicate that more than two devices can be use to "implement a communications network", there is no disclosure of the transmission of a Bluetooth signal to more than one device at a time or the display of more than a single device at a time (i.e., the user has to select of one many devices before signals are transmitted and/or distance/location calculations are made).

Yet further, Bork repeatedly talks of "like" devices without clearly explaining what that term means. Fairly interpreted it appears to be a device that includes an electronic compass (i.e., all of the devices in Bork must include the compass). Thus, Bork does not appear to disclose "disparate" electronic devices.

The Applicants respectfully request withdrawal of the pending rejections

and allowance of claims 19 and 30-34.

Should there be any outstanding matters that need to be resolved in the present application the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By: /John E. Curtin/

John E. Curtin, Reg. No. 37,602
P.O. Box 1995
Vienna, Virginia 22183
(703) 266-3330